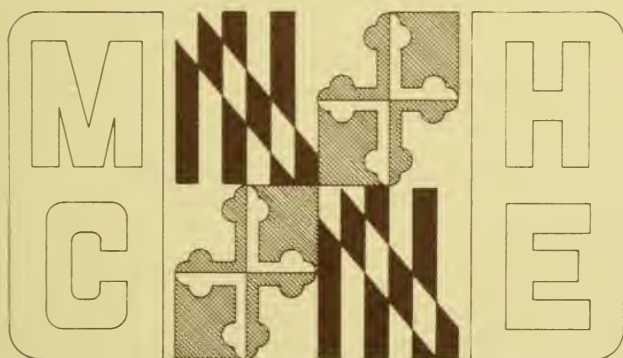


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Response To The Rosenberg Commission Report,



MARYLAND COUNCIL FOR HIGHER EDUCATION

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UNDER P.L. 92-318

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CHAPTER I

MARYLAND COUNCIL FOR HIGHER EDUCATION RESPONSE TO THE ROSENBERG COMMISSION REPORT

The essential thrust of the Rosenberg Commission was to recommend a structure that would incorporate the means for the most effective and efficient governance of education and to support its recommendations with appropriate rationale. The specific interest of the Maryland Council for Higher Education in the Rosenberg Report is that part which addresses postsecondary education.

Major factors, basic to any critical analysis of the Report, is the establishment, at the outset, of a common denominator of understanding, first as to agreement between members of the Commission and members of the Council on objectives and essential premises relative to the system of postsecondary education in the State. And second, an evaluation of the weaknesses in the system that would suggest and substantiate the need for and magnitude of structural and governance changes.

A. Agreement with Commission Objectives and Premises

The Maryland Council concurs with the statements by which the Commission endeavors to delineate the general objectives and premises for action of education and of postsecondary education in particular. The January 1966 *Supplement of the Report of the State of Maryland Advisory Council for Higher Education*, a publication which spells out the respective role and scope of the University of Maryland, the State Colleges, the Community-Junior Colleges and, the Private Colleges and Universities is replete with statements of objectives for higher education which are echoed in the Rosenberg Report. In more specific terms, that is, insofar as stated objectives relate more directly to the outcomes of an established or proposed structure and governance system, the MCHE can agree on such basics as:

Individual and public purposes must always be uppermost in the minds and activities of . . . bodies and organizations to which educational governance is entrusted. (p.2)

Even though political leaders make significant decisions affecting both the quantity and quality of education provided, partisan political involvement in the operation of education must be avoided. (p.2)

Operational controls of institutions of higher education are to be retained at the institutional level. Further, the broad involvement of parents, students, and the general public in educational policy-making . . . should be continued. (p.2)

One of the first tasks of educational structure is to more completely and adequately determine the citizens' needs and desires for education. (p.1)

Policymaking leadership for education should rest with informed and well chosen lay individuals who can best represent the vast and diverse needs of citizens. (p.3)

The methods of selecting laymen for policymaking roles in education should guarantee that capable and qualified persons be chosen. (p.3)

The relationships of nonpublic education to the public domain are important and purposeful. (p.3)

The State continuously must guard against usurping a greater degree of control than necessary to assure that provision is made for the rights, responsibilities, and opportunities of all individuals. Also, the closeness of education to the people deems it necessary to guard against professional domination. (p.3)

B. Analysis of the Report's Alleged Weaknesses in the Present System

Structures are developed and function primarily to achieve desired objectives. No matter how education is structured and governed, the system undoubtedly will be marked by some weaknesses of one sort or another. An evaluation of these weaknesses will, on occasion, give rise to the realization of the need for change. The direction and magnitude of this change is, in most instances, determined by the nature and extent of the problems or weaknesses that are evident or that have been demonstrated to exist in the system. It is in these terms that one must examine the actual weaknesses for it is these weaknesses that warrant the dimension and direction of any changes that are proposed whether the proposal comes from the Commission, from executive and legislative officials or from the Council. The alleged weaknesses mentioned in the Report are analyzed under the following topics:

1. Economic and Social Realities Cited as Weaknesses
2. Institutional Individuality Cited as Weakness
3. Lack of Coordinating Mechanism Cited as Weakness
4. Institutional Competitiveness and Lack of Accountability Cited as Weaknesses
5. Lack of Continuity and Stability in Structure Cited as Weakness

Economic and Social Realities. The Report in the section on Postsecondary Education rightly indicates that there is a limit to the resources which the State can apply to education. This limit is affected by inflation, by the priority of other services, and by the total revenue available, says the Report. Further, it states that there is little promise for continuing and expanding Federal aid to education. These conditions, which have no direct relation to structure or governance per se, are stated in such manner as to imply that they are weaknesses of the present system in Maryland. The Report, with this mind-set, proceeds to conclude that "the way these conditions relate dictates that the existing state structure for

postsecondary education is inadequate for the future." (p.13) It is not possible to concur in this line of reasoning nor can one accept the sweeping conclusion which is drawn therefrom.

Institutional Individuality. The Report implies that individuality is a weakness when it states that "higher education has had a history of individuality of purpose over the years." The Report also states that "such historical individuality has not been conducive to cooperative interaction needed for common purpose in postsecondary education." (p.15) Individuality, if unrestrained, is of course a weakness; but over the years measures to limit its effects have been taken. To wit, the "current tripartite governance arrangement (which) . . . was a response to the State's need to oversee the development of postsecondary education" (p.17) and to bring about some of the needed cooperation was established.

Lack of a Coordinating Mechanism. The Commission in its Report does not recognize that an integrating and coordinating mechanism presently exists in the tripartite system. In view of this, the Commission's conclusion that the present system must be changed because of an inherent weakness which it describes as "the lack of *any* integrating and coordinating mechanism for postsecondary education." (p. 17) (*Italics added*) is unsubstantiated. Since 1965, the Maryland Council for Higher Education has provided not only in its Master Plan but year by year in its Annual Reports ample evidence of a continually improving mechanism for overall integration and coordination of postsecondary education. Further elaboration of the Council's coordinating role *over all* of higher education and of the role of the boards integrating and coordinating *within* the system is provided in Chapter 2 of this document.

Competitiveness and Lack of Accountability. "The competitive perspective among the institutions, segments and the two levels" (p.17) is regarded by the Commission as a weakness and in consequence is considered by them as a reason for proposing a vast reorganization of structure and governance for the present system of higher education. The Commission's concern over competitiveness seems unfounded. Competitiveness among institutions and segments is a wholesome feature of any vibrant system. It is beneficial especially when it is directed and modified as it is by the influence exerted by the Council over the legitimate aspirations of the existing segments and sectors of the total system. With regard to accountability, it has not been demonstrated by the Commission that there is a significant lack of accountability in fiscal matters, processes and performances the achievement of which is beyond the capabilities of the existing structure. Institutional accountability to Governing Boards on the segment level and through the statutory review responsibilities of the Council on the statewide level provide the means for ongoing accountability within and over the total system. Audit by Fiscal Services is yet another accountability measure that provides objective evaluation of expenditures.

Lack of Continuity and Stability. The present structure and governance system of higher education has been in the process of progressive evolutionary development for the past decade. A review of the history of the tripartite system and the gradual development of the responsibilities and the enlarging purview of the Maryland Council will manifest a continuing improvement in operation and structure and will show the system's adaptability as well as its capability of strengthening whatever weaknesses occur. The Commission itself (*p. 10*) states that, "the stability of structure in elementary and secondary education has contributed in a major way to the continuing financial commitment people provide for it. The State level structure and the relationship between local school districts in the State have undergone very little change in the past 50 years. During this period there has been a systematic approach to Statewide improvement for elementary and secondary education including financing." Making provisions for a similar stability in the structural form of postsecondary education can produce more readily the benefits sought by the State than by initiating yet another structural and governance change as proposed by the Commission in its Report.

Perhaps a real weakness in the present system pointed out by the Commission is the need to "accelerate the pace at which the State of Maryland pursues the goal of delivering educational services as equitably as possible for all its people." (*p. 1*) Even granting that this is a major weakness that needs to be remedied, the proposed remedy seems to be in excess of, in fact far out of proportion to, the fault to be corrected.

In summary, it appears that the Commission has proposed a series of recommendations for a considerable change in structure and governance for higher education without consideration of the true potential of the existing tripartite system. The Report does not contain any evidence whatsoever that the Commission evaluated the present mechanism and found it totally wanting or wholly incapable of being adjusted to perform more efficiently and effectively whatever the State and its citizens desire to have done in postsecondary education.

C. Reactions to the Report Recommendations

The Council's reaction to the recommendations in the Report is mixed. It agrees that there is need for (1) formal lines of communication with the Governor, (2) increased lay participation in policy and decision making, and (3) a strengthened central agency for higher education with carefully defined coordinating powers. It is, however, diametrically opposed to (1) dismantling of the tripartite structure through elimination of specified existing boards and the establishment of institutional governing boards for State Colleges, (2) creating a Joint Board of Education, with its own Chairman, separate and apart in structure and responsibility from the two major divisions of education, and (3) the establishment of a super board for the control of higher education.

Need for Formal Lines of Communication with the Governor. The Council agrees with the Commission in recommending that formal lines of communication between the two divisions of education and the office of the Governor be established. Because of the diverse interests and the complexity of the problems unique to each division of education, it is better that the liaison with the Governor be carried on by one representative from each division. The professional director of each division would be the most likely and most competent person to be given responsibility for this continuing communication with the Governor.

Need for Increased Lay Participation in Policy and Decision Making. The Commission's recommendation to attach a series of Councils to the Joint Education Board has within it the element of increased lay participation in policy development and decision making that should be implemented in any changes that are made in the structure and governance of higher education. The Council, however, disagrees with the manner in which the Commission intended to achieve this increased lay involvement. Throughout its history, the Maryland Council has always engaged a considerable number of lay persons as well as professionals in the committee structure it established to address specific problems and issues. With the addition of several more lay persons appointed to regular membership on the Council and the continuation of the Council's committees the recommendation for lay participation would be amply taken care of without the heavy structuring of Councils appended to a Joint Board as proposed by the Commission.

Need for a Strengthened Central Agency for Higher Education with Carefully Defined Coordinating Powers. The Council does not believe that the central board need be vested with all the powers called for by the Commission in its Report. Of special concern is the granting of "control" powers — particularly budgetary — as opposed to "coordination" powers which would be sufficient to achieve the desired purposes. Budgetary control of institutions is properly vested in the governing boards within allocations of general funds provided by the Governor and approved by the General Assembly. An additional layer of budgetary control to be imposed on the institutions and governing boards would have the effect of preempting the decisions of the governing board in its allocation of resources.

In disagreeing with the Rosenberg recommendation on budget control, the Council does not suggest that the existing budget process is a proper one and one that should continue unchanged. On the contrary, there is much to be improved in the present system. For example, the institutions should be able to develop their budgets in such manner as to enable them to carry out approved programs. Once these budgets are approved by the governing boards within the allocation of funds designated by the Governor, they should not undergo additional pre-audit by the Department of Budget and Fiscal Planning, but should be subject only to Legislative review prior to actual implementation. After approval by the

Legislature, the institutions should be able to expend the appropriated funds within the approved budget objects without further State budget control. However, a careful post-audit should be conducted to determine the degree to which the expenditures were proper and how they accomplished institutional objectives.

The central board should be able to make any recommendations on the institutional budgets that it deems appropriate. To put the board in the position of budget review and approval, however, would restrict operational freedom and severely limit diversity among the institutions. Vesting budgetary control in a central higher education agency would in effect be creating an undesirable and unneeded "super" board.

The Council, in agreement with the Commission Report, believes that there are coordinating powers — particularly in the approval of new programs and long range plans — which need strengthening within the central coordinating agency. The Council's recommendations for creating an effective central agency for higher education with sufficient specific authority to coordinate is presented in detail in the next section.

Dismantling the Tripartite Structure. The Commission states that the tripartite structure "... was a response to the State's need to oversee the development of postsecondary education. However, it was only an initial step which now has been demonstrated to be ineffective to meet current conditions and projected needs." (p.17) The Report provides no evidence that the tripartite system "now has been demonstrated to be ineffective." Even though the tripartite system has been in existence for only a dozen years its operation has been characterized by continuing efforts toward improvement in functioning and structure and has manifested as well an inherent capability and willingness to strengthen whatever weaknesses may occur therein. The present system of State Colleges, Community Colleges and the University, with the Maryland Council for Higher Education as the coordinating agency, is the more desirable structure of higher education with institutions having similar objectives and programs grouped together than one which potentially creates some twenty-five separate institutions. In the present system there are many plans and proposals for new programs that are screened at the governing board level without going further to the coordinating board for review: all of these items would be passed through for consideration by the central board under the proposed new structure. It is also important to note that the State Colleges are currently statewide institutions — not local institutions. The Board of Trustees of State Colleges (BTSC) serves as a focal point for governing and coordinating the activities of the several State Colleges to keep missions clear and to provide programs which are essentially statewide in nature. Without BTSC the danger exists under the Rosenberg Commission recommendations that the State Colleges would become local institutions and begin to function in areas now handled within the community colleges. With the elimination of the State Board for Community Colleges (SBCC), and without that agency

developing a central purpose for the state system of community colleges, it is reasonable to assume that additional pressures would be placed upon the existing community colleges to try to develop — in response to community needs — four year programs. It is recognized that from time to time it may be desirable for an institution to change its existing mission to one which is inconsistent with other institutions under the operating board and necessitate a change in jurisdiction to another existing board or a separate board of its own. These cases, however, are infrequent and should be accomplished only after full Council consideration and recommendation.

Creating a Joint Board for Education. The Commission recommends that a Joint Education Board be established by combining the memberships of the proposed State Board for Higher Education and the State Board for Elementary and Secondary Education with a separate Chairman who is appointed by the Governor from among three persons nominated by the Joint Board. Among the proposed major functions to be performed by the Joint Board are articulating elementary-secondary and postsecondary education, planning and appointing Councils for the study of problems, and studying, transmitting, and supporting a joint budget without amendment to the Governor.

This additional layer is unnecessary and the functions proposed can be just as effectively and efficiently handled by having joint committees dealing with problems of articulation, as well as other problem areas, composed of board members from elementary-secondary education and higher education, professionals in the field and citizens. It is more effective to have each segment board responsible for the support of its own budget before the Governor and the Legislature than to have a Joint Board which is not a party to the development of the budgets responsible for their defense.

Concerning the Chairman of the proposed Joint Board, the Council disagrees with the Commission with regard to his method of appointment and his location within the system. Since an important function of a state higher education board is to protect the management of institutions from political interference, the appointment of the proposed Chairman by the Governor does not provide sufficient safeguards against possible political interference in the management of higher education. The appointment of this person should be the prerogative of the coordinating board and not the Governor.

Establishing a Super Board for Higher Education. The Commission, after deciding upon the dismantling of the present tripartite structure by abolishing the segment boards, decided upon the creation of a State level board with both governing and coordinating powers. The exercise of such comprehensive authority by a single board centralizes control at a level far removed from the day to day operations of the institutions. For instance, vesting budgetary control in a central higher education agency would in effect be creating an undesirable and unneeded super board that has only

remote contact with the individual campuses. The Council has consistently opposed the creation of a central higher education super board, convinced that a coordinating board with carefully defined authority is all that is needed in a State that has already developed a workable tripartite structure.

D. Major Omissions in the Report

The Commission in its Report did not make mention of several important facets of higher education which are essential to consider and provide for in the development of a coordinated system of structure and governance.

Private Higher Education. The private institutions are an integral part of the total system of providing higher educational opportunities to Maryland citizens and their contributions are significant in themselves as well as being complementary to the array of academic offerings available through the public colleges and universities. The development of educational policies, the planning for efficiency and growth in quality, the determination of levels of support must take into account the interests and needs of the private sector if the total spectrum of higher education is to be effectively coordinated. The Council has and intends to continue to include and involve the private institutions, working with and through the Maryland Independent College and University Association, within the framework of its planning and coordinating responsibilities. See page 20, item #17, and page 24, item #10 for instances of Council and private institution existing relations.

Desegregation. The Commission Report does not address the matter of the policies, procedures and mechanisms required by the State's efforts to monitor and coordinate the desegregation of the public postsecondary education institutions. Statewide responsibility for overseeing the implementation of the Maryland Plan for Completing the Desegregation of the Public Postsecondary Institutions has been assigned by the Governor to the Maryland Council for Higher Education. This Plan, submitted to the Office of Civil Rights and approved by it in 1974, is a program of action which is an integral part of the responsibilities that must be vested in a statewide higher education coordinating agency.

Interstate and Regional Cooperation. A major national trend that the Commission did not discuss in its assignment of responsibilities to the state's coordinating body is interstate and regional cooperation. Interstate agreements in many vital areas are being developed throughout the country by coordinating agencies. For instance, interchange of students without tuition differential is being developed by the Minnesota board with Wisconsin, South Dakota and Iowa. The State of Maryland is participating in the SREB Academic Common Market for programs at the graduate level. Cooperation with Virginia and other neighboring states may offer an economical solution to the problems of providing for Veter-

inary Medicine and Optometric needs of Marylanders. Responsibility for initiating and overseeing cooperation on a regional and interstate basis in higher education is an important function that should be included as an integral part of a coordinating board's tasks.

E. Recommendations to Improve the Structure and Governance of Postsecondary Education

The Maryland Council for Higher Education believes that the implementation of the following set of recommendations will eliminate weaknesses in the present system of structure and governance of higher education, while at the same time continuing a system which will be responsive to the needs of the State in the future in the most economic and effective manner.

THE MARYLAND COUNCIL FOR HIGHER EDUCATION

Membership

The membership of the Maryland Council for Higher Education should be increased from the present 13 members to add two additional lay members — making a total membership of 15 persons. The Governor in making his appointments to the Council should be guided by the principle that all areas of the State be represented. The increase in Council membership would serve two purposes: One, it would provide for a greater proportion of lay persons to segmental representation in Council deliberations; two, it would make available more lay persons for the necessary committee work of the Council. As a result of its own experience over the years, the Council sees the need to continue segment representation because of the evident benefits that have been realized through the existence and functioning of this arrangement.

Duties and Responsibilities

The following duties and responsibilities should be added to those presently performed by the Maryland Council for Higher Education.

1. On the recommendation of the appropriate segment board, review and approve all new degree programs in public institutions which are in fields of study not currently offered by the institutions (e.g., major higher education general information survey [HEGIS] taxonomy categories), or at a level (e.g., bachelors, masters, first professional, doctoral) not currently offered by the institution. Review by the Council of new degree programs in fields or levels currently offered by the institution should be in terms of appropriateness to role and scope of the institution, and consistency with the long range plan; final approval in these cases would be given by the segment board.
2. Annually review and approve in consultation with the appropriate segment boards, a long range (5-10 years) plan for each public seg-

ment of higher education. The plan would be developed within a format, schedule and guidelines jointly developed by the Maryland Council for Higher Education and the segment board. The approval would be given on the basis of planned goals, objectives, projected enrollments, and program areas to be developed or eliminated.

3. Review and approve all postsecondary curricula offered by institutions not now approved by the Council to offer such programs in Maryland.
4. Perform the accreditation function for postsecondary education now performed by the State Board of Education. Regional accreditation is recognized as sufficient evidence for State accreditation. A representative of the Maryland Council for Higher Education and a representative of the appropriate segment board will accompany the regional accreditation team on each of its accreditation or re-accreditation visits.
5. Annually recommend the amount of funds necessary to assure an adequate State student financial assistance program.
6. Administer Federal funds provided to the State for postsecondary education purposes.
7. Develop and coordinate with the public segments of higher education an annual evaluation of public postsecondary education to determine the degree to which expenditures accomplished segmental and State objectives.
8. Establish a standing committee with representatives of the State Board of Education, the segment Boards and others to recommend on the articulation of elementary-secondary and postsecondary education. This Committee must submit an annual report and recommendations to the State Board of Education, and the Maryland Council for Higher Education.

Conduct of Studies

Representatives of the segment boards will participate in the design and conduct of Council studies. This action will insure that those with governing and operating responsibility will be involved in studies which affect their operations.

Relationship to the Governor

We believe the best interests of the State would be served if the Governor were to meet in formal sessions on two or more occasions per year with the Chairman and Executive Director of the Maryland Council for Higher Education, accompanied by the corresponding officers of the five governing boards — the Board of Regents of the University of Maryland, the Board of Trustees of the State Colleges, the State Board for Community Colleges, the Board of Trustees of St. Mary's College of

Maryland, and the Board of Trustees of Morgan State University — and the corresponding officers of the Maryland Independent College and University Association. It would be desirable to have the Governor invite the Executive Director of the Maryland Council for Higher Education to sit in on his cabinet meetings as is presently the case with the State Superintendent of Schools. These provisions should provide the needed liaison between higher education and the Governor without heavily involving higher education in politics.

THE BUDGETARY PROCESS

The following proposed budget process would substantially improve the existing process without creating an undesirable education “super-board”.

1. Each segment board of higher education and the Boards of Morgan State University and St. Mary's College of Maryland annually submit long range plans to the Maryland Council for Higher Education for its review and approval.
2. The Maryland Council for Higher Education recommends to the Governor a set of statewide postsecondary education priorities for the coming year.
3. The Governor, with the assistance of the Department of Budget, provides each segment, and the Boards of Morgan State University and St. Mary's College of Maryland, with an allocation of general funds for the coming year.
4. Each governing board prepares an operating budget to carry out approved programs for each institution under its control. Further review is not carried out by the Department of Budget or other State agencies.
5. The Legislature reviews and approves each institutional budget and appropriates funds to operating categories (e.g., instruction, administration, etc.). Except in the case of community colleges where local political subdivisions approve the budget and the State's share is fixed by formula.
6. Each institution executes expenditure of the funds within the approved categories without further external controls.
7. A post-audit is conducted:
 - (a) By the legislative auditor to determine proper fiscal management or in the case of community colleges by an independent auditing firm employed by the college.
 - (b) By the Segment Boards in cooperation with the Maryland Council for Higher Education to determine the degree to which segment objectives are met.

CONCLUSION

The above recommended legislative changes in the budget process and the Council's statute along with fiscal and staff support consistent with responsibility would enable the existing system to eliminate weaknesses so as to "achieve better methods of communicating with the public, assume meaningful responsibility for comprehensive planning and coordination, and make effective assessment of progress toward the accomplishment of practical and feasible objectives." (*p. 19*)

These desired achievements, whose presumed lack is regarded by the Commission as weakness, can be remedied with less disruption, less controversy and greater speed by evolutionary rather than revolutionary changes in structure and governance. With Executive support, the Legislature, with relatively little overall change in the current system, can create the Maryland Council and the tripartite system as "a structural pattern in which responsibility and authority can be quickly and firmly placed and readily accepted." (*p. 19*)

CHAPTER II

MARYLAND COUNCIL FOR HIGHER EDUCATION COORDINATING ROLE AND MECHANISMS

The Rosenberg Commission stated that there was a "lack of any integrating or coordinating mechanism." The Report did not elaborate on this statement; however, the Commission subsequently on page 26, listed the "Duties and Responsibilities of the State Board for Higher Education," which are intended to correct this postulated situation.

DUTIES AND RESPONSIBILITIES OF THE STATE BOARD FOR HIGHER EDUCATION

"The State Board for Higher Education shall be a planning and coordinating body and shall identify and prepare plans for program development in the field of higher education." (p.26) The Council has performed this function for the past 10 years.

The Maryland Council for Higher Education was originally established in 1964 as an advisory council, but in 1972 the Council's role was changed by amendments to the Annotated Code of Maryland from "Advisory" to "Coordinating." The new language inserted in the code by the Legislature states:

"It shall be the duty of the Council to coordinate the growth and overall development of higher education in the State,"

Subsequently, in 1974, the Legislature again amended the Annotated Code to make the Council the "State Postsecondary Education Commission under Title XII of the Federal Higher Education Act of 1965 as amended by Part L, Public Law 92-318". This act by the State Legislature confirmed a previous executive action by the Governor on October 3, 1972 which designated the Council as the State Postsecondary Higher Education Commission (1202 Commission). The duties and functions of the Council as specified in the Annotated Code (copy attached) clearly assign the Council the role of performing the planning and coordinating functions deemed necessary by the Rosenberg Commission. The Council's mechanisms and evidence of positive action in the various elements of planning and coordination are outlined in subsequent paragraphs, categorized under the 20 functions proposed by the Rosenberg Report for the central board of higher education.

1. "Select a Chairman for the State Board for Higher Education From Among Its Membership."

The Council elects its own Chairman, Vice-Chairman, and Secretary, and establishes its own standing committees from among its own membership; and creates ad hoc committees including its own membership, various professionals and lay members as necessary to meet special needs. These procedures enable the Council to perform its functions in an

environment relatively free of undue political pressure from the Governor or the Legislature. This is not to say that the Council is unresponsive to the requests and suggestions of the executive or legislative branches, but its final decisions and recommendations are made on the basis of factual studies and factual evidence which it has considered.

2. "Appoint a Commissioner of Higher Education."

In accordance with the Annotated Code of Maryland, the Council appoints an executive director who performs such functions as the Council may prescribe. His duties embrace supervision of the Staff in support of all of the Council's duties and functions.

3. "Make Overall Policy of a Planning and Coordinating Nature for All of Postsecondary Education."

To accomplish this task, the Maryland Council in 1968 published the "Master Plan for Higher Education in Maryland — Phase One." The purposes of this Plan as expressed in Chapter I were:

"To provide for the most effective and economical use of the State's educational resources; to make clear the commitment of the State to higher education; to articulate a public policy for educational development; to increase the citizens' understanding of problems that face higher education in the future." The Master Plan presents information and addresses matters such as goals and objectives of higher education, the organization of higher education in Maryland, roles of the public segments and the private sector, coordination among segments, the development of existing and new institutions, matters in relation to faculty, students, inter-institutional cooperation, inter-state relationships, equal educational opportunity, enrollment, finance and facilities. Specific recommendations and related procedures to implement these policies and objectives are contained in the Phase One Plan. In subsequent years, the Council has performed studies and research in regard to the various aspects of higher education in Maryland and has made recommendations to appropriate state agencies and to the Legislature to implement these policies and plans. A few of the Council's actions are cited to provide tangible evidence of its action and effectiveness in achieving its statutory duties and responsibilities. Further actions for improvement are presented in Chapter I.

COMMUNITY COLLEGE SUPPORT IN 1970

The Council recommended that State support of community colleges be increased from 45% of the actual annual cost to one half of the annual cost so that these institutions could improve the quality of their offerings and expand their technical and occupational programs. This recommendation was implemented by the General Assembly in 1972. Subsequently, the Council also recommended an increase in State percentage (from 50 to 55%) and in the level of support for smaller community colleges (from

\$700 to \$1,100 per student). This was enacted by the 1973 General Assembly.

EQUAL EDUCATIONAL OPPORTUNITY

The Council recognized the importance of equal educational opportunity and to this end addressed the matter of distribution of enrollment to achieve this goal and balanced development of the State system of higher education.

Accordingly, the Council in 1969 and 1970 developed the systems and computerized enrollment projection models which would provide an overview and projection of enrollments in all public institutions and the private sector. With minor exceptions related to graduate and professional student projections, the Council's overall projections have been adopted by all public segments as the guidelines for operating and capital budget planning.

Other typical recommendations of the Council to fulfill the purposes of the Master Plan as well as its duties and responsibilities which have been implemented in full or part include:

- Library Automation
 - Improvement of Faculty Salaries
 - Improved Budget Format and Criteria
 - Program Review Procedures
 - Policies and standards for acceptance of credits earned by students who transfer
 - Alternate ways for students to meet obligations incurred under Tuition Waiver
 - The use of full-time-day-equivalent students as the basis of projections of capital needs of all public institutions of higher education, and revision of space projection guidelines for facilities
 - Creation of a separate board for coordination of community colleges
4. "Formulate goals for higher education, as well as develop measurable objectives for monitoring the annual progress made toward achieving goals."

The Council's Master Plan cited above as well as subsequent actions taken in response to special studies on education formulate the broad and in some instances more specific goals for higher education. The U.S. Office of Education established a system of reports to be submitted via the Council each year on the various elements of higher education, including: enrollment, faculty, staff, libraries, salaries, finance, facilities degrees. In addition, the Council has developed several additional and supplementary reports in regard to students, i.e., migration, applications, acceptance and admissions, progressions, financial and programs, credit hours, etc., which

provide basic data needed to evaluate annual progress toward State goals. Some of the measurable objectives established by the Council in its Master Plan and by subsequent studies include:

- Raising faculty salaries by equal increments to the seventy-fifth percentile for comparable public institutions throughout the nation
- Reform of student aid
- State support of private higher education
- Racial integration of students, faculty, and staff
- Redistribution of enrollment by segment and level
- Improvement in transfer of credits
- Revised levels of tuition in the three public segments
- Uniform accounting policies to permit comparative cost analyses
- Equal educational opportunity
- Library coordination
- Increased State support for and expansion of medical and dental schools

5. "Review and Approve Institutional Budget Requests and Develop a Unified State Budget for all Higher Education."

The Council reviews the annual budgets of public colleges and universities and makes recommendations as appropriate. Inasmuch as the Annotated Code places responsibility for budget approval with the respective governing boards, the Council has taken the position that it should be involved in the approval of long and short range plans for physical and fiscal resources rather than the budgets of individual institutions.

The approval of community college budgets is a statutory function of the respective colleges' governing boards. Some colleges are governed by the local board of education whereas others have separate boards. It should also be noted that the State funds a maximum of 50-55% of the established level of operating support for community colleges; the county and the student fees comprise the balance. In some instances, the county's share may be equal or greater than the State share.

The Rosenberg Commission (*p.* 24) decries unreasonable bureaucratic excesses. Imposition of the Maryland Council for Higher Education or another agency in the line of approving authorities for budgets would further unnecessarily complicate the budget process.

The Council has from time to time supported various State agencies and the Legislature in making an evaluation of the level of State support requested by and granted to institutions, but this has been done with the view of meeting broad Council objectives rather than involvement in specific budget programs or line items. Recommendations to improve the budget process are given in Chapter I.

6. "Operate a General and Fiscal Control Information Service."

The Council, as previously stated, collects annual Higher Education General Information Survey (HEGIS) information as well as data required for monitoring of other educational functions including matters under the Desegregation Plan and special studies. These data and information are published annually and on special occasions in documents such as:

- Annual Reports
- Desegregation Reports
- Higher Education Data Book
- Programs in Public and Private Colleges and Universities
- Admissions and Financial Aid
- Physical Facilities Inventory - Maryland Institutions of Higher Education

7. "Review and Approve All New and Existing Programs."

The Council has the statutory authority to recommend all new degree programs at doctoral, masters, baccalaureate and associate levels in all public institutions. In addition, the law providing for State aid to non-public institutions provides that the Council eliminate for its computation for aid, students enrolled in seminarian or theological academic programs.

The Maryland Council for Higher Education Master Plan for Higher Education outlines the general guidelines for Council consideration of programs and more recently, a complete and detailed manual for preparation and submission of programs for Council review has been under preparation. This manual incorporates and revises previous instructions and procedures published in 1970. The Council also has statutory authority to present plans and recommendations for major alterations to existing programs. Recommendations for strengthening this authority are given in Chapter I.

8. "Identify Institutional Mission."

The Council in its Master Plan has outlined the role of each of the public segments and the private sector. The Board for State Colleges and the University have developed the role of each of the institutions under their respective governance. The Council has been involved to varying degrees in defining these roles. For example, the Council submitted in 1970 to the Board of Regents several recommendations in regard to the role of Maryland State College at Princess Anne including transfer to the jurisdiction of the Board of Trustees of State Colleges as of 1975 and complementary relationship between Maryland State College and Salisbury State College. The Council also studied and supported recommendations in regard to the role of Salisbury State College, Coppin State College and more recently the conversion of Morgan State College to University status.

The Council has also been cooperating with the State Board for Community Colleges in regard to the role of new community colleges, such

as Dundalk, Baltimore Inner Harbor, and Montgomery Germantown Campus.

The University of Maryland has also submitted master plans for College Park, University of Maryland at Baltimore, University of Maryland Baltimore County, University of Maryland Center for Environmental and Estuarine Studies, to the Council for its review and recommendations.

The Master Plan for St. Mary's College which operates under a separate board was reviewed and recommended by the Council after extensive study by a special study committee. Similarly, the Council reviewed and recommended approval of the University of Baltimore Master Plan.

The Council feels that this consultation and review has helped to provide for the coordinated orderly growth of higher education in Maryland and the fulfillment of State objectives.

9. "Oversee Capital Development and Improvement."

The statutory responsibilities for capital budgets are assigned as follows:

- Statewide coordination — Department of State Planning with the cooperation of the Department of Budget and Fiscal Planning
- State Colleges — Board of Trustees of State Colleges
- University of Maryland — Board of Regents
- St. Mary's College — Board of Trustees of St. Mary's College
- Community Colleges — State Board for Community Colleges

The Annotated Code of Maryland requires that any institution, board or agency concerned with higher education, which submits any program, plan or proposal to any official or agency of the State, shall at the same time submit a copy to the Maryland Council for such recommendation as may be appropriate. Accordingly, the public colleges and university branches have submitted, via their boards, copies of their annual capital budgets, master plans, programs for new buildings and renovations. The Council staff reviews these documents and makes suggestions to the respective boards and other State agencies. Formal Council consideration of these documents and recommendations are undertaken when deemed appropriate. The Council has been involved in the development of space guidelines for capital development.

This procedure has enabled the Council to stay abreast of capital development at public institutions. In addition, the staff has made special studies in regard to the adequacy, cost, projections, and other aspects of facilities at public and private institutions in Maryland. More recently, a Council Committee made a special study of higher education in the Metropolitan Baltimore area and made observations and recommendations in regard to facilities development. As a result of this study, enrollment levels were recommended for each of the colleges in the area.

The Council believes that the existing procedures have enabled it to maintain an overview as well as a detailed knowledge of capital development at public institutions and through this vehicle to make recommendations to boards, agencies, the Department of State Planning, and the Legislature, as deemed appropriate. This procedure is believed preferable to a procedure placing another level of capital budget approval in the Council or a corresponding commission.

10. "Determine the Need for Student Financial Assistance and Find Methods of Administering Student Assistance Programs."

The State now has two State level agencies for administering student financial assistance: i.e., (1) The State Scholarship Board and (2) The Maryland Higher Education Loan Corporation. The former administers all general State scholarships, Senatorial Scholarships, House of Delegates Scholarships, Reimbursement of Firemen, Grants for War Orphans and children of M.I.A. and P.O.W. servicemen, scholarships for orphans of firemen, policemen, teachers of deaf, in medicine, and at professional schools. The Higher Education Loan Corporation has the power to lend money or to guarantee loans made by approved lenders to residents of the State who are attending or planning to attend colleges, or vocational, trade and technical schools within or without the State.

The Council recommended that the financial aid program in Maryland be reorganized into a system coordinated by the Maryland Council based upon the "package" approach which utilizes to the fullest extent Federal funds available for this purpose, grant funds available to the institutions, loans available from banks participating in the Maryland Higher Education Loan Corporation programs, job opportunities and State grants to needy students based on a uniform needs analysis system. Legislation to effect this change was introduced in 1974 and again in the 1975 General Assembly, however, the legislation failed on both occasions.

11. "Establish Guidelines for Tuition and Fees for the State Colleges and Universities Throughout the State."

The Maryland Council in its Master Plan published in 1968, recommended that the boards of institutions revise their tuition charges so that the Students pay the greatest amount at the University, less at the State Colleges and least at the Community Colleges. It pointed out that the tuition at that time is inexpensive and should remain so in the future; however, the tuition structure should be revised periodically to provide the additional needed revenue to offset the increased cost in quality provisions recommended by the Master Plan. The Council has, on special occasions, made studies of tuition and fees and submitted reports and recommendations thereon to the Legislature. Also, the Council has recommended that student housing be self-supporting at the colleges as well as at UMCEES.

12. "Assess State Needs for Manpower and Propose Programs Which Meet These Needs."

The Department of Employment and Social Services is responsible for personnel research in regard to manpower and performs this function in cooperation and coordination with other State agencies which have planning responsibilities such as Department of State Planning and Comprehensive Health Planning. The Maryland Council for Higher Education has conducted specialized studies such as the Health Manpower Study - 1969, a study of Allied Health Manpower, and is currently engaged in a study in regard to lawyers and legal education needs in Maryland. The Council's function should relate to special studies as required, but believes that it should not unnecessarily duplicate the work of other departments and agencies. The Council also cooperates with other State agencies to provide supply/demand forecasts of manpower through participation in the State's Manpower Information Program.

13. "Establish Procedures to Assure Freedom and Flexibility for Inter-institutional Transfer Throughout the State's Postsecondary Educational System."

The Council created a standing committee in 1972 which developed the policies and standards to be followed by public institutions for the reciprocal acceptance of credits earned by students who transfer between institutions. This new function was assigned to the Council by the 1972 Amendments to the Annotated Code of Maryland pertaining to the Council's functions. Many of the detailed procedures to implement these policies have been adopted, others are in preparation and should be ready for review and adoption in the near future. The completion of these procedures will culminate the Council's recommendations in the Master Plan — 1968 in regard to transfer of students.

14. "Establish General Guidelines for Faculty and Administrative Salaries."

The Council in the Master Plan for Higher Education — 1968, as previously cited, recommended guidelines for faculty salaries, i.e., that they be increased in equal increments to reach the seventy-fifth percentile for comparable institutions throughout the nation. Subsequent Council recommendations have reiterated this goal for faculty salaries. Progress has been made toward accomplishing this goal.

15. "Respond to the Plans and Proposals Advocated by the Councils Created by the Joint Education Board."

The present method of operation of the Council includes the establishment of committees, both standing and ad hoc, to make studies of higher education and to present plans, recommendations and proposals to the Council for its consideration and appropriate action. These reports and recommendations, when adopted by the Council have ultimately led to

plans and legislation for their implementation. The report and plan of the Committee for State support of private higher education and the Allied Health Manpower study are recent examples of the Council's *modus operandi* which parallels in principle that recommended by the Rosenberg Commission.

16. "Prescribe the Minimum Requirements for Issuing All Certificates and Diplomas, and Academic, Collegiate, Professional, or University Degrees for Public and Private Postsecondary Institutions."

The Council has attempted over a period of years to obtain legislative action to transfer the postsecondary education accreditation function from the State Department of Education to the Council. That Department supported the Council's position; however, the legislation has not been passed, due in part to differing opinions as to the comprehensiveness of this responsibility.

17. "Administer State Funds for Private Postsecondary Educational Institutions and Assure that the Purposes for Which Such Funds Were Appropriated Are Met."

The Council is currently performing the function of certifying the amount of State support to which each private institution is entitled. This is presently computed on the basis of credit hours, and certification is furnished to the Board of Public Works which authorizes the payment. In the last General Assembly, bills were introduced to change the existing procedures, but were not passed.

18. "Serve as the State Postsecondary Planning Commission Called for in Federal Law."

The 1974 General Assembly enacted legislation which confirmed the Governor's previous executive action, and statutorily designated the Maryland Council for Higher Education as the State Postsecondary Education Commission under Title XII, Higher Education Act of 1965 as amended by Part L of Public Law 92-318. The Council has established the staff positions and support to exercise this function.

It should be recognized that the work of the State Postsecondary Education Commission is not distinct from that of the Council. Section 1202 of Public Law 92-318 states:

"Section 1202. (a) Any State which desires to receive assistance under section 1203 or Title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public, and public and private non-profit and proprietary institutions of postsecondary education in the State including community colleges (as defined in Title X), junior colleges, post-

secondary vocational schools, areas vocational schools, technical institutes, four-year institutions of higher education and branches thereof."

"(b) Such State Commission may establish committees or task forces, not necessarily consisting of Commission members, and utilize existing agencies or organizations, to make studies, conduct surveys, submit recommendations, or otherwise contribute the best available expertise from the institutions, interest groups, and segments of the society most concerned with a particular aspect of the Commission's work."

As may be seen by the above wording, the 1202 Commission is to be a comprehensive planning agency in postsecondary education, a role exercised by the Council since its creation in 1964. The principal change introduced by Public Law 92-318 is that it includes proprietary schools, postsecondary vocational schools, area vocational schools and technical institutes. These are areas which were not included in past planning by the Council.

19. **"Determine the Internal Structural Arrangement and Staffing Pattern Necessary to Perform Its Function."**

This has been a normal function exercised by the Council with regard to its staff.

20. **"Call an Annual Meeting of Members of All Institutional Governing Boards."**

The Council has, on occasion, held a joint meeting with each of the three segment boards. This has fostered cooperation and a personal interaction between members on a scale which is not afforded by larger impersonal gatherings. Meetings among the Boards and their staffs provide many useful purposes, and the Council plans to continue and expand these meetings.

CHAPTER III

REVIEW OF POSITIONS PREVIOUSLY TAKEN BY THE COUNCIL RELATIVE TO THE STRUCTURE AND GOVERNANCE OF HIGHER EDUCATION

The following is a summary of various recommendations and positions of the Council with respect to the structure and governance of higher education from 1968, when the Council's *Master Plan* was promulgated, to the present. The material is arranged by topic.

1. Tripartite structure of public higher education in Maryland.

The public postsecondary institutions of Maryland, with two exceptions, fall into three categories. The University of Maryland, operating on four campuses, is governed by the Board of Regents; the State Colleges at the University of Baltimore, Bowie, Coppin, Frostburg, Salisbury, and Towson are under the jurisdiction of the Board of Trustees of State Colleges; and the community colleges are coordinated on the State level by the State Board of Community Colleges and are governed at the local level by their respective boards. St. Mary's College of Maryland continues to operate under its own Board of Trustees. As of July 1, 1975, under the provisions of Senate Bill 354, Morgan State College was established as Morgan State University with its own Board of Trustees as the governing body.

The Council's *Master Plan for Higher Education* (November 1968) reported that over several decades two alternatives to the tripartite structure have been studied in depth. One was the elimination of public postsecondary institutions which were too small to offer quality curricula and consolidation of resources in the larger institutions. This concept was rejected in view of the potential of these smaller institutions which could be developed by adequate funding. The second alternative was the adoption of a university system in which each public institution would become a branch of the University of Maryland under the Board of Regents and a common central administration. This alternative also was rejected in that the resulting system would produce uniformity and no diversity and variety of educational opportunity as well as create difficulty in running a large monolithic system.

The Council in the *Master Plan for Higher Education* (November 1968) reaffirmed its support of the existing tripartite structure and recommended that it "be built into a coordinated system of public higher education in Maryland." However, the Council recommended that "the structure, and ensuing system, be reviewed periodically by the Maryland Council for Higher Education in terms of its ability to serve the higher educational needs of the State." The Council noted the tendency of institutions to expand beyond their existing functions (e.g., community colleges pressuring to become four-year institutions and State colleges seeking

university status) and recommended that "the present tripartite structure of higher education in Maryland be maintained and strengthened at least until 1975."

No recommendations of the Council in its annual reports had the effect of amending this commitment to the tripartite structure of public post-secondary education in Maryland.

The Cox Task Force in its *Report: To Propose Ways of Enhancing the Role and Image of Predominantly Black Public Colleges in Maryland* (August 9, 1974) stated: "the Task Force strongly endorses the tripartite concept of higher education in the State of Maryland, and urges that any changes made within public higher education be made within the context of the tripartite concept." This recommendation followed the view of the Task Force that coordination was required within the tripartite structure to provide for diversity, flexibility, and quality control.

2. Coordinating role of the Council.

In the discussion of recommendations contained in the *Master Plan for Higher Education* (November 1968), the Council affirmed that its recommendations, if acted upon, would "take the existing structure and mold it into a viable coordinated system of quality higher education for Maryland [in which] the system created could not be hierarchical [and] the three segments would operate as equals differing in functions according to roles and scopes."

In the *Master Plan*, the Council, in keeping with the charge of the General Assembly to give attention to the "Statewide coordination of the activities of the public institutions of higher learning, academically, administratively, and fiscally," specifically stated as a recommendation that "the Maryland Council for Higher Education is responsible for guiding the overall growth and development of a State system of public higher education" and must be responsible for "planning and policy development to achieve orderly growth and overall development of a statewide system of higher education; liaison and leadership to achieve coordination and a unified endeavor in higher education; collection, analysis and dissemination of data to provide an objective basis for decision making; [and] studies and research requested by the Governor and General Assembly."

In its *Annual Report — 1970*, the Council recommended the strengthening of statewide planning and coordination of higher education by amendment to Art. 77A (Sections 28-32) which established and defined the functions of the Council. The proposed amendment stated that the "Council shall make plans and recommendations for the coordinated growth and overall development of higher education in the State" and that the functions of the Council would include the duty to "study and make recommendations regarding the statewide coordination of the activities of the appropriate agencies and institutions of higher learning."

The proposed amendment was introduced as a Council recommendation in the *Annual Report — 1971*.

No subsequent recommendations of the Council have tended to alter the concept of the coordinating role as central to the mission of the Council.

3. Superboard.

The Council's *Annual Report — 1970* responded to the Governor's Operating Economy Survey (GOES) which addressed two issues: one, consolidation, and two, cost benefits. The *Report* concluded that these objectives could be met by strengthening the existing structure of higher education, in terms of planning and coordination, by amendment to the law rather than by legislating the abolition of the existing governing boards and replacing them with a superboard which would assume responsibility for the governance of the University and the State Colleges.

4. Strengthening the management autonomy of college presidents derived from management autonomy granted by statute to the Board of Trustees of State Colleges.

The Cox Task Force recommended the following in its Report: "it is essential that each State college president receive professional and personal support from . . . the Board of Trustees of the Maryland State Colleges who have a strong commitment to the welfare of the State colleges; . . . that the Board of Trustees have the management autonomy to insure that welfare; [and] . . . that during the 1975 legislative session there be a change in the law to establish that autonomy." The recommendation of the Task Force was that the Board of Trustees upon being granted such statutory autonomy would delegate "a very large arena of local autonomy" to the college presidents, thus giving them "an increased degree of flexibility in handling their colleges' budget and academic affairs" at the same time requiring "an appropriate accountability system."

5. Creation of a strong coordinating authority.

The Pear Committee noted that the creation of many individual governing boards would necessitate the creation of a strong coordinating authority to deal with planning, program duplication, effectiveness, manpower requirements, budget and facility coordination, and other activities necessary to assure the most economic and efficient utilization of the State's resources for education. The Committee, in examining the situation in other states, noted that in the Virginia system, for example, there had been established a strong coordinating agency for higher education.

In its *Report*, the Committee recommended that "the Governor's Study Commission on Structure and Governance of Education in Maryland should consider the need for . . . a strong central coordinating authority with powers to set enrollment ceilings, approve programs, eliminate

programs, avoid unnecessary duplication among institutions, assess quality performance, approve long and short range plans for physical and fiscal resources, and establish overall priorities for higher education in the State." This recommendation was adopted by the Council on December 6, 1974 and included in its *Annual Report—1975*.

6. Accreditation.

In its *Annual Report—1974*, the Council took the view that part of the responsibilities given to it by the 1972 legislation designating the Council as the agency responsible for coordinating the growth and development of higher education was being performed by the State Department of Education—that of accreditation for institutions of higher education. The State Department of Education passed a resolution to divest itself of the responsibility. The Council recommended that the General Assembly favorably consider a bill to transfer the accreditation function.

The Pear Committee in its *Report* recommended that "the Maryland Council for Higher Education be given the accreditation function of the postsecondary institutions of higher education." This recommendation was included in the Council's *Annual Report—1975*.

7. St. Mary's College

St. Mary's College, formerly a two-year institution and now a public four-year liberal arts college with the role and scope of other State colleges, has its own Board of Trustees. In its *Master Plan* and its annual reports through 1973, the Council has recommended that St. Mary's College come under the jurisdiction of the Board of Trustees of the Maryland State Colleges.

8. Morgan State University

The Cox Task Force considered four alternative approaches to the aspirations of Morgan State College, then operating under the jurisdiction of the Board of Trustees of State Colleges, to university status: first, Morgan to remain within the State college segment; second, Morgan to withdraw from the State college segment and become an independent university; third, Morgan to become part of a Baltimore consortium or even a multi-campus university; and fourth, Morgan to join the University of Maryland segment. The Cox Task Force *Report* recommended "that MCHE support legislation and program development to change the status of Morgan to a doctoral-degree-granting urban university within the tripartite concept."

The Pear Committee in its *Report* recommended that "Morgan State College be developed into a State University." This recommendation was adopted by the Council and included in its *Annual Report—1975*.

Senate Bill 354 changed the name of the institution to Morgan State University and authorized a Board of Trustees to act as its governing board.

9. Desegregation.

The basic policy of the State of Maryland as set forth in the *Maryland Desegregation Plan* developed by the Council states the following:

Insure that minority group interests are appropriately represented on coordinating and governing boards and policy-making councils or commissions responsible for governance of or advisement of the State's public higher education institutions.

Establish special committees or broaden purview of existing committees within the various boards, councils and commissions responsible for higher education to deal specifically with desegregation goals.

These policy statements affect the internal structuring of agencies involved in the governance of higher education in the State.

10. Private Institutions.

In its *Annual Report—1974*, the Council enunciated two basic premises underlying the general philosophy of public support of private higher education in Maryland: first, that it was imperative that the State preserve and strengthen the dual system of the public and private sectors in order to provide adequate opportunities to meet varying needs of the citizens; and, second, that the private institutions must retain their traditional autonomy to permit flexibility in meeting problems of the future.

The Council recommended that Section 66(e) of Article 77A (Aid to Nonpublic Institutions of Higher Education) include the following: "the institution must submit all new programs or major alterations of programs to the Maryland Council for Higher Education for a recommendation regarding the initiation of the program." This requirement applies to institutions which accept the annual apportionment under the provisions of the Aid to Nonpublic Institutions statute.

DO NOT CIRCULATE

